

JOSHUA P. FERSHEE
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ASSOCIATE DEAN FOR FACULTY RESEARCH AND DEVELOPMENT
WEST VIRGINIA UNIVERSITY COLLEGE OF LAW
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ACADEMIC & ADMINISTRATIVE APPOINTMENTS

West Virginia University College of Law	Morgantown, WV
Center for Energy and Sustainable Development	
<i>Associate Dean for Faculty Research and Development</i>	06/2015 – present
<i>Professor of Law (with tenure)</i>	07/2014 – present
<i>Director, LL.M.: Energy & Sustainable Development Law</i>	12/2013 – present
<i>Associate Professor of Law</i>	07/2012 – 07/2014
 West Virginia University College of Business and Economics	 Morgantown, WV
<i>Adjunct Faculty, Department of Management</i>	05/2013 – 08/2013
 University of North Dakota School of Law	 Grand Forks, ND
<i>Associate Dean for Academic Affairs and Research</i>	08/2011 – 06/2012
<i>Associate Professor of Law</i>	08/2010 – 06/2012
<i>Faculty Development Fellow for Research & Scholarship</i>	04/2009 – 06/2011
<i>Assistant Professor of Law</i>	07/2007 – 08/2010
♦ North Dakota Spirit Faculty Achievement Award (2010). University of North Dakota Foundation award recognizing significant contributions in teaching, research, and service.	
 Pennsylvania State University, Dickinson School of Law	 State College, PA
<i>Visiting Assistant Professor of Law</i>	07/2006 – 05/2007

EDUCATION

Tulane Law School, J.D., 2003	New Orleans, LA
♦ <i>Magna cum laude</i> , Order of the Coif	
♦ Editor in Chief, Tulane Law Review, Volume 77	
♦ Certificate in International Commercial Arbitration	
♦ Aegean Institute of the Law of the Sea and Maritime Law, Summer Abroad – 2001 (Greece)	
♦ Awards: Academic Leadership Award; CALI Awards (for highest grade in course): State & Local Taxation; Business Enterprises: Corporations; Health Care Law	
 Michigan State University, B.A./Social Science, 1995	 East Lansing, MI
♦ Dean's List (Spring Semester 1995)	

TEACHING RESPONSIBILITIES/COURSES TAUGHT

- ◆ Business Organizations (Spring 2013, Fall 2013, Fall 2014, Spring 2016, Fall 2017)
- ◆ Business Associations I (Fall 2007, Fall 2008, Fall 2009, Fall 2010, Fall 2011)
- ◆ Business Associations II (Spring 2008, Spring 2009, Spring 2010, Spring 2011)
- ◆ Energy Law Survey (Spring 2008, Spring 2010, Spring 2011, Spring 2012, Fall 2013, Fall 2014, Fall 2015, Fall 2017)
- ◆ The Energy Business: Law & Strategy (Fall 2012, Spring 2014, Spring 2016)
- ◆ International Trade, focus on energy and cyber security (WVU Law in Geneva, Switzerland, Summer 2016)
- ◆ Hydraulic Fracturing Seminar (Spring 2014)
- ◆ Energy Law and Practice (Spring 2013)
- ◆ Issues in Energy Law Seminar (pending Spring 2014)
- ◆ Sports Law (Spring 2015)
- ◆ Labor & Employment Law (Fall 2008, Fall 2009, Fall 2010)
- ◆ Property II (Spring 2009)
- ◆ Legal Research, Writing & Analysis (at Penn State Dickinson, 2006-07)
- ◆ Business Planning (at Penn State Dickinson, Spring 2007)

PROFESSIONAL EXPERIENCE

LEGAL EXPERIENCE

Hogan & Hartson, LLP (now Hogan Lovells US LLP) Washington, DC
Associate; Attorney, Government Regulation (Energy Group) 10/2004 – 8/2006

- ◆ Represented corporations, cooperatives, individuals, and Native American tribes in energy transactions and in actions pending before the Federal Energy Regulatory Commission (FERC), the Department of Justice, the Nuclear Regulatory Commission, state utility commissions, and state and federal courts; served as regulatory counsel for renewable energy transactions, and made recommendations to clients regarding climate policy and legislation

Davis Polk & Wardwell New York, NY
Associate; Attorney, Corporate (Summer Associate 2002) 10/2003 – 10/2004; 5/2002 – 8/2002

- ◆ Represented clients in corporate and transactional matters including mergers & acquisitions, derivatives, and securities litigation and regulation

Breazeale Sachse & Wilson, LLP New Orleans, LA
Summer Associate, Litigation 7/2001 – 8/2001

- ◆ Conducted supervised client work related to commercial litigation, arbitration, and class action-related matters

OTHER PROFESSIONAL EXPERIENCE

Douglas * Cohn & Wolfe

Los Angeles, CA

Account Supervisor

4/2000 – 7/2000

- ◆ Created public relations plans and marketing strategies to secure press coverage, increase brand awareness, and generate consumer and business-to-business interest for clients, including large video game clients and a major U.S. law firm; supervised and coordinated integration of employees following PR agency acquisition

Golin/Harris International

Los Angeles, CA

Account Supervisor

10/1998 – 4/2000

- ◆ Developed creative public relations programs, marketing strategies, and crisis communications plans to secure media coverage, recruit new employees, and generate consumer interest for clients; managed and supervised budget for, at the time, the largest Los Angeles-based PR agency account (Nintendo); responsible for more managing more than \$1.5 million of the \$3 million+ annual account budget

Entertainment Software Association (formerly Interactive Digital Software Ass'n) Washington, DC

Membership and Research Manager

7/1995 – 10/1998

- ◆ Tracked and analyzed academic research, industry trends, consumer demographics, and media for outreach, lobbying activities, and as part of crisis communications preparation for video game industry; conducted intellectual property and anti-piracy training sessions for law enforcement officials (e.g., U.S. Customs and FBI), media, and other key audiences

Additional Employment

State of Michigan Treasury Department, Governor's Internship Program; Sales, Use, and Withholding Tax Division, (summer 1990); Discovery (Tax) Division (summer 1989)

PUBLICATIONS & WORKS IN PROGRESS

LAW REVIEWS, JOURNALS & POLICY PAPERS

- ◆ *Is Entity Type Material?*, LLC & PARTNERSHIP REP. (forthcoming 2016)
- ◆ *Horizontal Drilling, Vertical Problems: Property Law Challenges from the Marcellus Shale Boom* (with Steven A. Shay) __ JOHN MARSHALL L. REV __ (forthcoming 2016) (invited) (symposium issue)
- ◆ *Natural Gas is Changing the Clean Energy Game, But the Game is Not Over* (Response to Felix Mormann, *Clean Energy Federalism*), 67 FLA. L. REV. FORUM 220 (2016) (invited)
- ◆ *Wrong: U.S. Supreme Court & 4575 Other Cases Say an LLC is a Corporation*, LLC & PARTNERSHIP REP., Nov. 2015, at 38
- ◆ *How Local Is Local?: A Response to Professor David B. Spence's The Political Economy of Local Vetoes*, 93 TEXAS L. REV. SEE ALSO 61 (2015) (invited)

- ◆ *Facts, Fiction, and Perception in Hydraulic Fracturing: Illuminating Act 13 and Robinson Township v. Commonwealth of Pennsylvania*, 116 W. VA. L. REV. 819 (2014) (invited)
- ◆ *Promoting an All of the Above Approach or Pushing (Oil) Addiction and Abuse?: The Curious Role of Energy Subsidies and Mandates in U.S. Energy Policy*, 7 ENVTL. & ENERGY L. & POL'Y J. 125 (2012) (invited) (symposium issue)
- ◆ *The Oil and Gas Evolution: Learning from the Hydraulic Fracturing Experiences in North Dakota and West Virginia*, 19 TEXAS WESLEYAN LAW REVIEW 23 (2012) (invited) (symposium issue)
- ◆ *North Dakota Expertise: A Chance to Lead in Economically and Environmentally Sustainable Hydraulic Fracturing*, 87 NORTH DAKOTA LAW REVIEW 485 (2011) (invited) (symposium issue)
- ◆ *Choosing a Better Path: The Misguided Appeal of Increased Criminal Liability After Deepwater Horizon*, 36 WILLIAM & MARY ENVIRONMENTAL LAW & POLICY REVIEW 1 (2011) (invited) (symposium issue)
- ◆ *Reliably Unreliable: The Problems with Piecemeal Federal Transmission and Grid Reliability Policies*, Center for Energy and Environmental Law, University of Connecticut School of Law Policy Paper (July 2011), <http://www.law.uconn.edu/system/files/private/FersheeFinal.pdf> (solicited policy paper)
- ◆ *LLCs and Corporations: A Fork in the Road in Delaware?*, 1 HARVARD BUSINESS LAW REVIEW ONLINE 82 (2011), <http://www.hblr.org/2011/06/llcs-and-corporations-a-fork-in-the-road-in-delaware/> (invited submission) (cited and quoted in Brief for Amicus Curiae Larry E. Ribstein at 14-15, *Roni, LLC, v. Arfa*, Sept. 9, 2011 (No. 601224/2007))
- ◆ *When Prayer Trumps Politics: The Politics and Demographics of Renewable Portfolio Standards*, 35 WILLIAM & MARY ENVIRONMENTAL LAW & POLICY REVIEW 53 (2010) (invited) (symposium issue)
- ◆ *The Geothermal Bonus: Sustainable Energy as a By-Product of Drilling for Oil*, 85 NORTH DAKOTA LAW REVIEW 893 (2010) (invited) (symposium issue)
- ◆ *Moving Power Forward: Creating a Forward-Looking Energy Policy Based on a National RPS*, 42 CONNECTICUT LAW REVIEW 1405 (2010) (invited article for Commentary Issue)
- ◆ *Atomic Power, Fossil Fuels, and the Environment: Lessons Learned and the Lasting Impact of the Kennedy Energy Policies*, 39 TEXAS ENVIRONMENTAL LAW JOURNAL 131 (2009)
- ◆ *The Rising Tide of Climate Change: What America's Flood Cities Can Teach Us About Green Energy Policy, and Why We Should Be Worried*, 39 ENVIRONMENTAL LAW 1109 (2009) (invited) (symposium issue)
- ◆ *Struggling Past Oil: The Infrastructure Impediments to Adopting Next-Generation Transportation Fuel Sources*, 40 CUMBERLAND LAW REVIEW 88 (2009) (invited) (symposium issue)

- ◆ The North Dakota Publicly Traded Corporations Act: A Branding Initiative Without a (North Dakota) Brand, 84 NORTH DAKOTA LAW REVIEW 1085 (2008) (invited) (symposium issue)
- ◆ Changing Resources, Changing Markets: The Impact of a National Renewable Portfolio Standard on the U.S. Energy Industry, 29 ENERGY LAW JOURNAL 49 (2008) (peer reviewed), *excerpt reprinted in* CHRIS WOLD, ET AL., CLIMATE CHANGE AND THE LAW 699-701 (2009)
- ◆ *Misguided Energy: Why Recent Legislative, Regulatory, and Market Initiatives Are Insufficient to Improve the Failing U.S. Energy Infrastructure*, 44 HARVARD JOURNAL ON LEGISLATION 327 (2007)
- ◆ *Levels of Green: Balancing State, Regional, and Federal Actions to Reduce Greenhouse Gas Emissions*, 7 WYOMING LAW REVIEW 269 (2007) (lead symposium article)
- ◆ *Tax Magic: Did Billy Donovan Pull Income Out of a Hat?*, 116 TAX NOTES 389 (2007) (with Jeffrey H. Kahn), *reprinted in* The Monthly Digest Tax Articles, March 2008, at 40
- ◆ *From Self-Determination to Self-Domination: Native Americans, Western Culture, and the Promise of Constitutional-Based Reform*, 39 VALPARAISO LAW REVIEW 1 (2004) (lead article)
- ◆ *Aviall Services v. Cooper Industries: The Fifth Circuit Makes Securing CERCLA Contribution for Environmental Cleanup a Messy Proposition*, 76 TULANE LAW REVIEW 1749 (2002) (case note)

BOOKS & BOOK CHAPTERS

- ◆ *Public Utilities and Their Regulation*, for the SAGE Reference project: THE SAGE ENCYCLOPEDIA OF BUSINESS ETHICS AND SOCIETY: 2ND EDITION (manuscript accepted) (forthcoming)
- ◆ ENERGY LAW, A CONTEXT AND PRACTICE CASEBOOK, Context and Practice Series, edited by Michael Hunter Schwartz, Carolina Academic Press (2014)
- ◆ UNINCORPORATED BUSINESS ENTITIES (5th ed.), Larry E. Ribstein, Jeffrey M. Lipshaw, Elizabeth Miller, Joshua P. Fershee (LexisNexis 2013) (Miller and Fershee added for 5th edition following Professor Ribstein's death)
- ◆ Chapter 4: Renewables Mandates and Goals *in* THE LAW OF CLEAN ENERGY: EFFICIENCY AND RENEWABLES, edited by Michael B. Gerrard, Professor of Professional Practice, Director, Center for Climate Change Law, Columbia Law School. Chicago, IL: American Bar Association (2011)
- ◆ Section on Energy Subsidies *in* BERKSHIRE ENCYCLOPEDIA OF SUSTAINABILITY, VOL. 3: THE LAW AND POLITICS OF SUSTAINABILITY, Great Barrington, MA: Berkshire Publishing Group (eds.: Klaus Bosselmann, Daniel Fogel, J.B. Ruhl) (2011)
- ◆ ABA SECTION OF ANTITRUST LAW, STATE ANTITRUST PRACTICE AND STATUTES, (4th ed. 2009) (Updated and Revised Treatise Chapter 37: State of North Dakota)

- ♦ **“Changing Resources, Changing Market: The Impact of a National Renewable Portfolio Standard on the U.S. Energy Industry,”** 29 Energy Law Journal 49-77 (2008) (peer reviewed), *article reprinted in* NON-CONVENTIONAL ENERGY LAW (Amicus Books & Icfai Publications) (2010)

PERIODICALS & BLOGS

- ♦ **Co-editor and Author, Business Law Prof Blog,** http://lawprofessors.typepad.com/business_law/ (Sept. 2012 – present) (Feb. 2010-Dec. 2011)
 - Posts cited in YALE LAW JOURNAL, WAKE FOREST LAW REVIEW & CARDOZO LAW REVIEW
 - Authored posts referenced on Wall Street Journal Deal Journal Blog & New York Times Dealbook Blog, ProfessorBainbridge.com, among other outlets
 - Ranked one of 50 Best Business Professor Blogs (listing six law-related blogs), <http://www.bschoo.com/blog/2010/50-best-business-professor-blogs/>
 - Ranked by LexisNexis as one of the Top 25 Business Law Blogs of 2010
- ♦ **“Bailout Has to Have Strings: GM as Deserving as Bear Stearns, However Taxpayers Need Protection,”** Lansing State Journal (Sept. 7, 2008)
- ♦ **“States Get Together on Greenhouse Gases,”** Legal Times, at 36 (June 12, 2006) (with Mary Anne Sullivan)

PRESENTATIONS, CONFERENCES, WORKSHOPS, PROGRAMS & MEDIA

INVITED/ACCEPTED PRESENTATIONS

Southeastern Association of Law Schools (SEALS), Amelia Island, FL

SEALS Annual Meeting

August 3-7, 2016

- ♦ **Workshop on Legal Education: Law School Specialization and Certification Programs (speaker)**
- ♦ **Workshop on Business Law: Discussion Group, Sustainability and Sustainable Business (discussant)**
- ♦ **Workshop on Business Law: Discussion Group, Perspectives on the Future of White-Collar Crime (discussant)**

TMA Energy Summit, Pittsburgh, PA

The Past, Present, & Future of the Energy Market

October 29, 2015

- ♦ **“The Market Evolution and Impacts of Shale Oil and Gas”**

John Marshall Law School Center for Real Estate Law, Chicago, IL

14th Kratovil Conference: Fracking, Energy Sources, Climate Change & Real Estate September 29, 2015

- ♦ **“Providing Fuel for Transportation in the New Energy Mix”**

Southeastern Association of Law Schools (SEALS), Hilton Head, SC

SEALS Annual Meeting

August 2, 2015

- ◆ **Workshop on Business Law, Discussion Group: Business Ethics and the Law: “The Business Judgment Rule as a Way to Support Ethical Corporate Behavior”**

National Business Law Scholars Conference, Newark, N.J.

Sixth Annual Meeting

June 4-5, 2015

- ◆ **Paper Presentation, Delaware and Business Law Panel: “The Ideological Polarization of the Business Judgment Rule: An Emerging Judicial Primacy?”**
- ◆ **Moderator and Discussant, Business Entity Design Panel**

West Virginia University Extension Service Bridgeport, WV

Fourth Annual Enhancing Public Understanding of Natural Gas Issues

May 20, 2015

- ◆ **Panel Speaker: “Talkin’ the Bakken”**

West Virginia University College of Law/Center for Energy and Sustainable Development, Morgantown, WV

The Intersection of Water & Energy: Implications of Water Protection on Energy Production April 10, 2015

- ◆ **Climate Change Impacts to Energy Production: Water Scarcity, Variability, and Uncertainty** (panel moderator)

Harvard Law School’s Environmental Law Program/Duke University’s Nicholas Institute, Washington, D.C

Workshop: Power Shift: Regulating the Evolving Electricity Sector, February 16, 2015

- ◆ **Invited Discussant**

International Union for the Conservation of Nature (IUCN)/Univerisitat Rovira i Virgili Tarragona, Spain

Twelfth Annual Colloquium of IUCN Academy of Environmental Law, Research Workshop July 1, 2014

- ◆ **“The Big Fracking Challenge: Building Constructive Discourse On Hydraulic Fracturing”**

Northeastern Agricultural & Resource Economics Ass’n (NAREA) Morgantown, WV

2014 Post-Conference Workshop Program: Unconventional Gas and Oil Development: Economic and Environmental Impacts; Panel Discussion “The Salient Issues Surrounding Unconventional Fossil Fuel Development Important to Current and Future Economic Research”

June 4, 2014

- ◆ **“Challenges to Good Hydraulic Fracturing Law and Regulation”**

West Virginia University Extension Service Morgantown, WV

Third Annual Enhancing Public Understanding of Natural Gas Issues

May 21, 2014

- ◆ **Keynote Speaker: “An Environmental Dream or Regulatory Nightmare? In Pursuit of a New Public Trust Through Hydraulic Fracturing Law and Regulation”** (keynote speaker)

West Virginia University Shale Gas Network Morgantown, WV

Network Launch Event

Apr. 25, 2014

- ◆ Poster Presentation: **“Facts, Fiction, and Perception in Hydraulic Fracturing: Illuminating Act 13 and Robinson Township v. Commonwealth of Pennsylvania”**

West Virginia Division of the Society of American Foresters Flatwoods, WV

Rehabilitation and Restoration: Management Options for West Virginia Forests

Mar. 31, 2014

- ◆ Keynote Speaker: **“Roosevelt’s Legacy: Law and Policy Implications for Natural Gas Production”**

Texas A&M University School of Law/Texas A&M Law Review Fort Worth, TX

Sixth Annual Energy Symposium

Mar. 21, 2014

- ◆ Keynote Speaker: **“An Environmental Dream or Regulatory Nightmare? In Pursuit of a New Public Trust Through Hydraulic Fracturing Law and Regulation”**

Northwestern Law/Searle Center on Law, Regulation, & Economic Growth Chicago, IL

Second Conference on Federalism and Energy in the United States

Nov. 15, 2013

- ◆ **“Collapsed (Federal) Cooperation: A New Trust Doctrine for Hydraulic Fracturing Regulation”** (invited conference speaker)

Society of American Foresters National Convention, North Charleston, SC

Silviculture Matters, Panel: *Natural Gas and Oil Development Impacts on Forest Resources*

Oct. 26, 2013

- ◆ **“Roosevelt’s Legacy: Law and Policy Implications of Natural Gas Production”** (accepted)

West Virginia Higher Education Policy Commission, Division of Science and Research, Morgantown, WV

Science, Technology and Research (STaR) Symposium, Panel: *Heating Things Up: Energy’s Evolution in Response to Climate Change*

Oct. 22, 2013

- ◆ **“Energy Law & Policy in a Difficult Climate: Climate Change Challenges and Possibilities”** (invited)

Richmond Law Review Symposium, University of Richmond, Richmond, VA

The Allen Chair Symposium: The Energy-Water Nexus

Oct. 18, 2013

- ◆ **“Waste(d) Water: Assessing and Addressing Hydraulic Fracturing Risks”** (invited)

Boy Scouts of America, White Sulphur Springs, WV

2013 Sustainability Summit

Oct. 8, 2013

- ◆ **“The Impact of Sustainability Education on Students and Critical Thinking”** (invited)

Steptoe & Johnson PLLC, Canonsburg, PA

2013 Energy Leadership Summit, Keynote Panel – *The Industry from 50,000 Feet*

Sept. 10, 2013

- ◆ **“Oil & Gas Development in North Dakota”** (invited)

London Symposia, The Oxford and Cambridge Club, London, UK

London Symposium on Climate Change

June 23, 2013

- ◆ **“The Future Has Gas: Recognizing Risks and Reaping Rewards from Shale Fuels, A Learning Opportunity”** (accepted)

Warsaw University of Life Sciences (SGGW), Warsaw, Poland

Invited Speaker Panel

June 14, 2013

- ♦ **“The Oil and Gas Evolution: Learning from the Hydraulic Fracturing Experiences in North Dakota and West Virginia”** (invited)

AGH University of Science and Technology, Krakow, Poland

XXIV International Conference Drilling-Oil-Gas, Natural Gas: Fuel of the 21st Century

June 12, 2013

- ♦ **“The Oil and Gas Evolution: Learning from the Hydraulic Fracturing Experiences in North Dakota and West Virginia”** (invited)

Energy Bar Association, Washington, D.C.

Annual Meeting 2013

May 2, 2013

- ♦ **“Technology and the Ethical Attorney,”** panel speaker with David Bloom (panelist) & Mark Williams (moderator) (invited)

University of Minnesota Consortium on Law and Values in Health, Environment & the Life Sciences and University of Minnesota Law School, Minneapolis, MN

Legal & Policy Pathways for Energy Innovation Conference

April 25, 2013

- ♦ **“The Role of Natural Gas in a Clean(er) Energy Future”** (invited conference speaker)

West Virginia University College of Law/Center for Energy and Sustainable Development, Morgantown, WV

Natural Gas as the Bridge to Sustainability & Economic Growth

Mar. 22, 2013

- ♦ **Improving Our International Trade Balance: Exporting Natural Gas** (panel moderator)
- ♦ **Concluding Remarks: “Choosing Our Natural Gas Future”**

Idaho Law Review Boise, ID

Legal Aspects of Hydraulic Fracturing

Mar. 29, 2013

- ♦ **“Does Hydraulic Fracturing Have a Role in a Clean Energy Future?”** (invited symposium speaker)

Texas Wesleyan Law Review Fort Worth, TX

Fifth Annual Energy Law Symposium

Mar. 22, 2013

- ♦ **“International Perspectives on Hydraulic Fracturing”** (invited symposium speaker)

Washington & Lee University School of Law, Journal of Energy, Climate, and the Environment Lexington, VA

The “All of the Above” Strategy: Evaluating the Obama Administration and the Future of Federal Law and Policy on Energy and Climate Change

Feb. 1, 2013

- ♦ **“Respecting the Resource: Battling Climate Change and Fulfilling the Promise of Shale Gas”** (invited symposium speaker)

Environmental Ethics Initiative at Brigham Young University, The Nature Conservancy, BYU’s David M. Kennedy Center for International Studies, and BYU Colleges of Life Sciences and of Humanities Provo, UT

Conservation, Restoration, and Sustainability: A Call to Stewardship

Nov. 9, 2012

- ◆ **“From Universal Access to Environmental Protection: The Evolving View of Ethics and Religion in Energy Policy”**; panel: Energy, Religion, Ethics, and the Law (accepted panel speaker)

Environmental & Energy Law & Policy Journal, The University of Houston Law Center
Houston, TX

American Energy Independence: An “All of the Above” Strategy for Our Energy Policy Mar. 30, 2012

- ◆ **“Two Tales of Shale: The Differences Between Hydraulic Fracturing for Oil and Gas”**(invited symposium speaker)

Texas Wesleyan Law Review Fort Worth, TX

Fourth Annual Energy Law Symposium Mar. 30, 2012

- ◆ **“In Pursuit of Economic and Environmental Sustainability: Comparing Risks in Hydraulic Fracturing for Oil and Gas”**(invited symposium speaker)

Federalist Society, UND School of Law Grand Forks, ND

Federalist Society Debate Mar. 27, 2012

- ◆ **Do Our Laws Promote or Hinder Economic Growth?, Seeking Regulatory and Legislative Balance** (invited speaker, with Tim Carney)

United Association for Labor Education Pittsburgh, PA

United Association for Labor Education Conference: Subterranean Fire: The Labor Movement in Hard Times Mar. 23, 2012

- ◆ **“The Role of Law in Creating the Good Employer: Energy Employers”** (conference panelist speaker)

Northwestern Law/Searle Center on Law, Regulation, & Economic Growth Chicago, IL

Federalism and Energy in the United States Mar. 2, 2012

- ◆ **“Respecting Boundaries: A Cooperative Model for Regulating Hydraulic Fracturing”** (invited conference speaker)

North Dakota Law Review & UND School of Law Grand Forks, ND

North Dakota Law Review Energy Law Symposium Nov. 3, 2011

- ◆ **“The Environment and the Economy: Hydraulic Fracturing as the Intersection of Sustainability in North Dakota”** (invited symposium speaker)

West Virginia University College of Law/Center for Energy and Sustainable Development, Morgantown, WV

Drilling Down on Regulatory Challenges: Balancing Preservation and Profitability in the Development of Shale Gas Resources Oct. 27, 2011

- ◆ **“The Environment and the Economy: Hydraulic Fracturing as the Intersection of Sustainability in North Dakota”**

Southeastern Association of Law Schools (SEALS), Hilton Head, SC

SEALS Annual Meeting

July 28, 2011

- ◆ **“Right Motivation, Wrong Execution: The Downside to Over Criminalizing Environmental Disasters,” Panel: Land Use Law Part II: International and Local Interactions**

Working Class Studies Association & University of Illinois-Chicago, Chicago, IL

Working Class Studies Association 2011 Conference

June 25, 2011

- ◆ **“The Work Power Tension: The Role of Labor in the Emerging Energy Economy”**
(invited speaker)

Energy Biosciences Institute & University of Illinois, Urbana, IL.

EBI Third Annual Biofuels Law and Regulation Conference

April 22, 2011

- ◆ **“Psychological Hurdles to Moving Beyond Oil”** (invited speaker)

Tulane Law School Environmental Law Society, New Orleans, LA

Tulane Law School Summit on Environmental Law and Policy

April 2, 2011

- ◆ **“Peak Oil: Problems of Adaptability, Foreseeability, & Insurability”** (invited speaker)

Association for Law, Property, & Society; Syracuse University College of Law & Georgetown University Law Center, Washington, D.C

Association for Law, Property, & Society: Second Annual Meeting

March 4, 2011

- ◆ **“Short-Sited: The Failure of Recent Federal Siting Laws in the Energy Industry”**

Energy Bar Association, Washington, D.C.

EBA Brown Bag Meeting & Teleconference

March 3, 2011

- ◆ **“EBA, The Next Generation: Increasing the Rate of Return on Legal Education”**

UND Osher Life-Long Learning Institute, Grand Forks, ND

University of North Dakota

Feb. 2, 2011

- ◆ **“The Law and Policy of Energy Evolution”** (invited speaker)

Looking Beyond the Deepwater Horizon: The Future of Offshore Drilling, Williamsburg, VA

William and Mary Environmental Law and Policy Review

Jan. 29, 2011

- ◆ **“Planning for the Future (or Not): Rethinking Emergency Response Accountability for Offshore Drilling Disasters”** (invited speaker)

Association of American Law Schools, San Francisco, CA

AALS Annual Meeting

Jan. 7, 2011

- ◆ **“Our Murky Reflection in Deepwater Horizon: What Do We Really Want from Government In Oil Exploration and Extraction?”** (accepted Hot Topics panel submission)

Energy Bar Association, Washington, D.C.

Mid-Year Meeting 2010

Dec. 8, 2010

- ◆ **“Technology and the Ethical Attorney,”** panel moderator, with Justice D. Crothers (panelist) and D. Bloom (panelist) (invited)

Central States Law Schools Association, Grand Forks, ND

CSLSA Annual Meeting

Sept. 25, 2010

- ◆ **“When Prayer Trumps Politics The Politics and Demographics of Renewable Portfolio Standards”**

Rocky Mountain Mineral Law Foundation Annual Institute Banff, Alberta (Canada)

Rocky Mountain Mineral Law Foundation, Water Section

July 22, 2010

- ◆ **“Clean Energy from Dirty Water: The Geothermal Win-Win”** (invited speaker)

Jack Rabbit Bar Association Annual Meeting Fargo, ND

State Bar Association of North Dakota

June 4, 2010

- ◆ **“Moving Beyond Oil: The Process, the Reasons, and the Renewable Energy”** (invited speaker)

Beyond Copenhagen Conference Orange, CA

Chapman University’s Schmid College of Science & School of Law

Apr. 23, 2010

- ◆ **“Reframing the Climate Change Debate”** (invited speaker)

Environmental Justice Forum Grand Forks, ND

Audubon Dakota & University of North Dakota, Multicultural Student Services

Apr. 20, 2010

- ◆ **“Doing Justice to North Dakota's Clean Energy Potential”** (invited speaker)

North Dakota Law Review Energy Law Symposium Grand Forks, ND

North Dakota Law Review & University of North Dakota School of Law

Apr. 9, 2010

- ◆ **“Geothermal Energy in North Dakota”** (invited symposium speaker)

Federalist Society Cap-and-Trade Panel Grand Forks, ND

University of North Dakota School of Law Federalist Society

Apr. 6, 2010

- ◆ **“Balancing Power: Rethinking Renewable Energy Standards”** (invited speaker)

Diversify Your Portfolio: Regulating Energy Sources with Renewable Energy Portfolio Standards Williamsburg, VA

William and Mary Environmental Law and Policy Review

Jan. 29, 2010

- ◆ **“Balancing Power: Rethinking Renewable Energy Standards”** (invited speaker)

Frances Lewis Law Center: Spring 2010 Faculty Workshop Series

Washington and Lee School of Law

Jan. 28, 2010

- ◆ **Driving Technology: Issues and Challenges in Changing Transportation Fuel Sources**

Corporate Governance and Shareholder Rights in a Time of Financial Crisis: How the North Dakota Publicly Traded Corporations Act Changes the Landscape Bismarck, ND
North Dakota Law Review & University of North Dakota School of Law 06/2009

- ◆ “The North Dakota Publicly Traded Corporations Act: A Branding Initiative Without a (North Dakota) Brand” (invited symposium speaker)

Greening the Grid: Building a Legal Framework for Carbon Neutrality Portland, OR
Oregon Law Institute, Lewis & Clark Law School, and Environmental Law 04/2009

- ◆ “Going, Going, Green or Going, Going, Gone?: The Need for a Comprehensive U.S. Energy Policy to Achieve a Greener Planet and How to Get One” (symposium speaker)

Transportation Energy Policy in National and Global Perspective: A New Beginning? Birmingham, AL
Cumberland School of Law, Samford University 02/2009

- ◆ “Struggling Past Oil: The Infrastructure Impediments to Adopting Next-Generation Transportation Fuel Sources” (symposium speaker)

JFK: History, Memory, and Legacy: An Interdisciplinary Conference and Community Event Grand Forks, ND
University of North Dakota 09/2008

- ◆ “Atomic Power, Fossil Fuels, and the Environment: Reconciling the Energy Policies of the Kennedy Years” (abstract accepted, panel speaker: Domestic Economic and Energy Policy)

CSLSA Annual Conference, Southern Illinois University Carbondale, IL
Central States Law Schools Association 10/2008

- ◆ “Ending America’s Addiction to Oil: Learning Lessons from the Law’s Role in Prior Fuel Sources Changes” (abstract accepted for presentation)

Energy Bar Association Mid Year Meeting Washington, DC
Energy Bar Association 11/2007

- ◆ Overview speaker and panel moderator: The Pros and Cons of a National Renewable Portfolio Standard

Wyoming Energy Development: A Community and Regulatory Assessment Laramie, WY
Wyoming Law Review, University of Wyoming School of Law 02/2007

- ◆ Invited Presenter: Levels of Green: State and Regional Efforts, in Wyoming and Beyond, to Reduce Greenhouse Gas Emissions. Symposium participants included: U.S. Senator Mike Enzi, late U.S. Senator Craig Thomas, and Rob Hurless, Energy Advisor to Wyoming Governor Dave Freudenthal

PROFESSIONAL DEVELOPMENT

UNIVERSITY OF NORTH DAKOTA SCHOOL OF LAW Grand Forks, ND
Alice T. Clark New Faculty Mentoring Program 9/2007 – 4/2008

- ◆ Participant

ASSOCIATION OF AMERICAN LAW SCHOOLS

Washington, DC

AALS Annual Meeting

01/2008

- ◆ Attended the AALS annual conference. Topic for 2008: *Reassessing Our Roles as Scholars and Educators in Light of Change*. The AALS “serves as the learned society for law teachers and is legal education’s principal representative to the federal government and to other national higher education organizations and learned societies.”

ASSOCIATION OF AMERICAN LAW SCHOOLS

Washington, DC

AALS New Law Teacher’s Conference

06/2007

- ◆ Attended conference for all new law teachers entering the academy in 2007, which focused on teaching theory, practical classroom techniques, and scholarship

PROFESSIONAL LICENSES

Admitted to Practice: New York (2004) and Washington, DC (2005)

PROFESSIONAL ASSOCIATIONS

AMERICAN BAR ASSOCIATION

Washington, DC

- ◆ Member, Section of Environment, Energy, and Resources (2005-present)
 - Section Leadership: Vice Chair, Energy Infrastructure & Siting Committee (2012-present); Vice Chair, Constitutional Law Committee, Section of Environment, Energy, and Resources (2006-present); Vice Chair, Restructuring of the Electric Industry Committee (2008-present)
- ◆ Member, Section of Legal Education and Admissions to the Bar (2007-present)
- ◆ Member, Young Lawyers Division (2004-2012)

ENERGY BAR ASSOCIATION

Washington, DC

- ◆ Member, Professional Development, Ethics, and Education Committee (2008-2012) (vice chair, 2008-09) (co-chair 2009-11)
- ◆ Member, Legislation Committee (2007-2008) (2011-present)
- ◆ Member, Renewable Energy Committee (2007-2009) (2011-present)
- ◆ Member, Electricity Regulation Committee (2007-2008)
- ◆ Member, Environmental Protection and Regulation Committee (2006-2007)
- ◆ Member, Judicial Review Committee (2006-2007)

ROCKY MOUNTAIN MINERAL LAW FOUNDATION

Denver, CO

- ◆ Trustee (University of North Dakota School of Law) (2007-2012)

INSTITUTIONAL SERVICE

WEST VIRGINIA UNIVERSITY COLLEGE OF LAW

- ◆ Academic Advisor, Energy Law & Sustainable Development Concentration
- ◆ Academic Advisor, First-year student group interested in energy business, and sports law
- ◆ Faculty Advisor, Business Law Association (2012-present)

- ◆ WVU Energy Moot Court Competition Judge (2013)
- ◆ Member, Concentrations, LLM & Degree Program Committee (2013)
 - Drafted LL.M. degree program Intent to Plan
 - Drafted LL.M. degree program Proposal (with Elaine Wilson)
 - Drafted LL.M. degree program ABA Acquiescence Filing (with Elaine Wilson)
- ◆ Member, Academic Planning Committee (2012-present)

WEST VIRGINIA UNIVERSITY

- ◆ College of Business & Economics, EMBA Orientation Speaker (ethics & plagiarism) (2013)

UNIVERSITY OF NORTH DAKOTA SCHOOL OF LAW

- ◆ Chair, Curriculum Committee (2008-2012)
- ◆ North Dakota Law Review Faculty Advisor (2009-2012)
- ◆ Faculty Advisor, Energy Law Association (2011-2012)
- ◆ Member, Electronic Publication of the N. Dakota Law Review Working Group (2009- 2011)
- ◆ Member, Academic Affairs Committee (2007-2009, 2010-2012)
- ◆ Member, Technology Committee (2010-2011)
- ◆ AALS Representative to Annual Meeting (2007-2008)
- ◆ Member, Readmissions Committee (2007-2008)
- ◆ Judge, University of North Dakota Moot Court Competition (2007-2012)
- ◆ Faculty Advisor, Phi Alpha Delta (2007-2008)
- ◆ Moot Court Team Judge (2009-present)
- ◆ Elected Law School Senator to UND Senate (2008-2010)

UNIVERSITY OF NORTH DAKOTA

- ◆ Law School Representative for Associate Deans for Research Meetings (2009-2012)
- ◆ Member, UND Council on Sustainability, Education Committee (2009-2011)
- ◆ Consultant, Petroleum Research, Education, and Entrepreneurship Center of Excellence (PREEC) (2009-2012)
- ◆ Chair, University Senate Legislative Affairs Committee (2009-2012)
- ◆ Member, Energy Task Force (2008-2012)
- ◆ Member, Sustainable Energy Research Initiative and Supporting Education (SUNRISE) (2008-2012)
- ◆ Advisor, University of North Dakota Institute for Energy Studies (2010-2012)

EXTERNAL SERVICE & PROFESSIONAL ACTIVITIES

LAND USE POLICY (journal, published by Elsevier)

- ◆ External manuscript review (2015)

SOCIAL SCIENCES AND HUMANITIES RESEARCH COUNCIL OF CANADA

- ◆ External grant evaluator: hydraulic fracturing research (2015)

U.S. DEPARTMENT OF HOMELAND SECURITY (DHS)

- ◆ External scientific reviewer (2015)

TULANE LAW REVIEW ALUMNI ASSOCIATION

- ◆ President (2013-present)
- ◆ Board Member (2008-present)
- ◆ Founding Member (2008)
 - Coordinated drafting of articles of incorporation, bylaws, and tax-exempt filings

TULANE LAW REVIEW BOARD OF ADVISORY EDITORS

- ◆ Invited Board Member (2012-present)

EXPERT ACTIVITIES

- ◆ Expert Witness, Business Law Issues: attorney professional obligations as a self-proclaimed business law expert; attorney responsibilities and obligations to client individuals and the entities they own or operate; attorney's obligation to know securities related client risks; expectation of client reliance on advice and statements
- ◆ Expert Witness, Entity Operation and Governance Issues: the role and purpose of corporations and LLCs; role and obligations of parent companies; scope and meaning of limited liability; parent and subsidiary relationships
- ◆ Expert Witness, Energy and Mineral Rights Issues: rights and obligations under mineral deeds; the meaning of reservation clauses; the difference between oil and gas in place and royalty rights
- ◆ Member, Advisory Board for energy investment company (\$250-400 million) focusing on oil and gas sector
- ◆ Presenter for U.S. State Department's Bureau of Energy Resources collaboration with the International Forum on Unconventional Gas Sustainability and the Environment (INFUSE)/ WVU Energy Institute providing a technical program dedicated to increasing other countries' understanding of best practices for unconventional gas resource development. Presented to delegations from Colombia, Morocco, and Lithuania.